



Board Agenda Item 35

DATE: August 11, 2026

TO: Board of Supervisors

SUBMITTED BY: Hollis Magill, Director of Human Resources

SUBJECT: Resolutions Rejecting Claims for Damages and Denying Application for Leave to Present a Late Claim

RECOMMENDED ACTION(S):

- 1. Adopt Resolutions Rejecting Claims for Damages; and**
- 2. Adopt Resolution Denying Application for Leave to Present a Late Claim**

There is no increase in Net County Cost (NCC) associated with the recommended actions. After evaluation by the Claims Review Committee, submitted claims are presented to the Board with recommendations for action. If the claim is in the County's jurisdiction, the Summary of Claims denotes the affected supervisorial district.

ALTERNATIVE ACTION:

For any claim, your Board could choose not to approve the Claims Review Committee's recommendations, and instead direct staff to allow, compromise, settle, or further investigate the claim.

FISCAL IMPACT:

There is no increase in NCC associated with the recommended actions. Payment of claims and the cost of defending claims are charged to the Department's Org 8925, Risk Management Internal Services Fund (Fund). The Fund is supported by annual budgetary contributions from County departments based on actuarial projections.

DISCUSSION:

The Board has delegated authority to the Human Resources Director to allow, reject, compromise, or settle claims for damages covered by the County's self-insured program or excess liability insurance in amounts up to \$50,000 pursuant to Chapter 5.02 of the County's Ordinance Code. Similarly, the board has delegated authority to the County Administrative Officer to settle or compromise claims up to the same amount. Claims exceeding that amount are referred to your Board after evaluation by the Claims Review Committee (CRC). The CRC considers various claim elements, which include jurisdiction, allocation of fault, immunities, and compliance with the Government Claims Act by claimants. The CRC consists of the Human Resources Director, Assistant Director of Human Resources, Risk Management staff, and a Chief Deputy County Counsel.

For all claims, a reserve is established, which is estimated by Risk Management to be sufficient to pay the cost of investigating and defending the claim, and to pay any damages for which the County is liable.

After evaluation by the CRC, claims exceeding the authority of the Human Resources Director and the County Administrative Officer are presented to the Board with a recommendation for action on each claim. Upon rejection of a claim, the claimant has six months to file a lawsuit against the County for damages based on the claim.

The CRC has reviewed the claims that are summarized briefly below, and rejection is recommended for each claim.

Claims

<u>Claim No.:</u>	<u>Claimant(s)</u>
GHC0097844	Kelly Guzman
GHC0097942	A Minor
GHC0098094	Toro Energy of California AA, LLC
GHC0098203	Billy Kincaid
GHC0098248	A Minor
GHC0098473	Russel Graves

Application for Leave to Present a Late Claim for Damages

<u>Claim No.:</u>	<u>Claimant</u>
GHC0098093	Jerry Vang

Summary of Claims

Kelly Guzman - Claimant claims in excess of \$1,500,000 and alleges the hazardous condition of the sidewalk at or near the intersection of 1099 N Street and Mariposa Street, Fresno CA, caused her to trip and fall, which was the proximate cause of the claimant's injuries. Claimant is represented by V&A Law Firm. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of the City of Fresno.

A Minor - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges he was a passenger on a school bus that failed to stop for halted traffic, causing it to rear-end the vehicle ahead, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Harmandeep Kaur. This incident does not involve the County of Fresno because it is alleged to have involved Fresno Unified School District.

Toro Energy of California AA, LLC - Claimant claims \$25,000,000 and alleges the County breached a contract between them by terminating the agreement, which was the proximate cause of the claimant's injuries. Claimant alleges their damages are in connection with the Revenue Agreement for the American Avenue Disposal Site Landfill Project. Claimant is represented by attorney Brandon Carr. This incident is alleged to have occurred in District 1.

Billy Kincaid - Claimant claims \$1,000,000 and alleges the City intentionally made and published false and defamatory statements about him to others at his workplace, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Nicholas Yasman. This incident does not involve the County of Fresno because it is alleged to have involved the City of Fresno Police Department.

A Minor - Claimant claims \$100,000,000 and alleges he is a student at Granite Ridge Intermediate and was physically attacked by an unidentified student, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Angie Alvarez. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of Clovis Unified School District.

Russel Graves - Claimant claims in excess of \$5,000,000 and alleges the pedestrian crosswalk button was inoperable at the intersection of Herndon Avenue and Maroa Avenue, Fresno CA, causing him to be struck by a vehicle, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney John Christl. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of the City of Fresno.

Summary of Application for Leave to Present a Late Claim

Jerry Vang - Claimant claims in excess of \$5,000,000 and alleges his children were wrongfully removed from his care without proper statutory notice, which was the proximate cause of the claimant's injuries. Claimant alleges his children were placed into an unsafe environment with a known sex offender who sexually assaulted one of his children. Claimant alleges the claim is not untimely because his minor children lack the legal capacity to file a claim and delayed discovery of his child's sexual assault. The claim identifies only Mr. Vang as the claimant and does not clearly or consistently state that he is asserting claims on behalf of his children and does not clearly have authority to assert such claims. It is for this reason the claimant was identified as the sole claimant. Further, the claim was submitted about seven years after the date of loss. The CRC recommends that this late claim application be denied because it does not comply with Government Code section 911.4, subdivision (b), requiring presentation of the application within one year after accrual of the cause of action, it does not establish the criteria set forth in subdivision (c) of that section, and it does not establish any of the criteria set forth in Government Code section 911.6, subdivision (b), for granting such an application. Claimant is not represented by an attorney. This incident is alleged to have occurred in District 3.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions Rejecting Claims for Damages (6)
On file with Clerk - Resolution Denying Application for Leave to Present a Late Claim (1)

CAO ANALYST:

Sevag Tateosian